IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 2494 OF 2004

Kishankumar Dhanraj .. Plaintiffs

versus

Cosmos .. Defendants

...

Mr.Naresh Sachwani for the plaintiff.

None for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 28th February 2005.

P.C.:

1. Heard the learned counsel for the plaintiff. None for the defendant.

2. The plaintiff has filed on record the affidavit of service and the original documents. Affidavit is marked Exhibit-A and the documents are colly. marked Exhibit-B for identification.

3. Despite service of writ of summons, the

defendant has not filed an appearance. Hence, plaintiff is entitled to a decree under Order 37 Rule 2(3) of the Code of Civil Procedure.

4. The plaintiff has filed on record office copies of the invoices and also an office copies of the two legal notices issued to the defendant along with their acknowledgement. There has been no reply. There has been no denial of the liability. On perusal of the documents and the plaint, I am satisfied that the plaintiff is entitled to a decree as prayed, save and except the interest from the date of the suit which would be as per the order mentioned below:-

5. The suit of the plaintiff is decreed in terms of prayer clause, save and accept the interest from the date of the suit. The defendant shall pay interest at 9% p.a. from the date of the suit till payment.

D.G. KARNIK, J